

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 THOMAS ELLIOTT,)
5))
6 Petitioner,)
7))
8 vs.))
9) LUBA No. 91-078
10 CITY OF SPRINGFIELD,)
11) FINAL OPINION
12 Respondent,) AND ORDER
13))
14 and))
15))
16 SPRINGFIELD UTILITY BOARD,)
17))
18 Intervenor-Respondent.)

19
20
21 Appeal from City of Springfield.

22
23 David E. Atkin, Eugene, represented petitioner.

24
25 Joseph J. Leahy, Springfield, represented respondent.

26
27 Laurence E. Thorp, Springfield, represented intervenor-
28 respondent.

29
30 KELLINGTON, Chief Referee; HOLSTUN, Referee; SHERTON
31 Referee, participated in the decision.

32
33 DISMISSED 08/15/91

34
35 You are entitled to judicial review of this Order.
36 Judicial review is governed by the provisions of ORS
37 197.850.

1 Kellington, Chief Referee.

2 The petition for review in this appeal proceeding was
3 due on July 24, 1991. No petition for review or motion for
4 extension of time to file the petition for review has been
5 filed. Pursuant to OAR 661-10-030(1), respondent moves for
6 dismissal of this appeal and for forfeiture of petitioner's
7 filing fee and deposit for costs.

8 Petitioner filed no objection to respondent's motion to
9 dismiss.

10 Accordingly, this appeal is dismissed and petitioner's
11 filing fee and deposit for costs is awarded to respondent.
12 ORS 197.830(8); OAR 661-10-075(1)(c).